

AUG 27 2003

Before the  
FEDERAL COMMUNICATIONS COMMISSION  
Washington, D.C. 20554

Federal Communications Commission  
Office of the Secretary

EB Docket No. 03-152

In the Matter of	)	
	)	
WILLIAM L. ZAWILA	)	Facility ID No. 72672
	)	
Permittee of FM Station KNKS,	)	
Coalinga, California	)	
	)	
AVENAL EDUCATIONAL SERVICES, INC.	)	Facility ID No. 3365
	)	
Permittee of FM Station KAAX,	)	
Avenal, California	)	
	)	
CENTRAL VALLEY EDUCATIONAL	)	Facility ID No. 9993
SERVICES, INC.	)	
	)	
Permittee of FM Station KAJP,	)	
Firebaugh, California	)	
	)	
H.L. CHARLES D/B/A FORD CITY	)	Facility ID No. 22030
BROADCASTING	)	
	)	
Permittee of FM Station KZPE,	)	
Ford City, California	)	
	)	
LINDA WARE D/B/A LINDSAY	)	Facility ID No. 37725
BROADCASTING	)	
	)	
Licensee of FM Station KZPO,	)	
Lindsay, California	)	
	)	
In re Application of	)	
	)	
WESTERN PACIFIC BROADCASTING, INC.)	)	File No. BR-19970804YJ
	)	Facility ID No. 71936
For Renewal of License for AM Station KKFO,	)	
Coalinga, California	)	
	)	
To: Administrative Law Judge		
Arthur I. Steinberg		

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**ENFORCEMENT BUREAU'S OPPOSITION TO MOTION TO CONTINUE  
PREHEARING CONFERENCE**

1. On August 18, 2003, the captioned permittees, licensee and applicant (hereafter referred to collectively as "Zawila"), by their attorney, filed a pleading styled "Motion to Continue Prehearing Conference" ("Motion"). Pursuant to section 1.294 of the Commission's rules,<sup>1</sup> the Enforcement Bureau ("Bureau") submits the following Opposition.

2. In the motion, Zawila requests that the Prehearing Conference currently scheduled for September 9, 2003,<sup>2</sup> be postponed for 30 days. Zawila states that the additional time is needed to explore the possibility of distress sales, and he relates that, to that end, unidentified "California counsel" has engaged (and is continuing to engage) in preliminary discussions with David Honig, Executive Director of the Minority Media and Telecommunications Council. Zawila also expresses his desire to have additional time in order to "explore the possibility of obtaining communications counsel."

3. The time for delay is over. The Commission commenced this proceeding on July 16, 2003.<sup>3</sup> The Chief Administrative Law Judge released the *Assignment Order* five days later and established the conference date some seven weeks in the future. Although Zawila does not state when he read these materials, there is no reason to believe that he did not become aware of both within a short time of their release. Moreover, considering that the investigation that led to the issuance of the *OSC* began more than two years ago

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<sup>1</sup> 47 C.F.R. § 1.294. *See also* 47 C.F.R. § 1.4.

<sup>2</sup> *See Order*, FCC 03M-28, released July 21, 2003 ("*Assignment Order*").

<sup>3</sup> *See Order to Show Cause, Notice of Opportunity for Hearing, and Hearing Designation Order*, FCC 03-158 ("*OSC*").

integrally involved his conduct and resulted in the Commission's sending him a number of letters,<sup>4</sup> Zawila has no basis for suggesting that the *OSC* was issued hastily or that the timing of the *OSC* took him by surprise. Thus, in relation to his current difficulties with the Commission, Zawila has had more than enough time to decide whether to obtain communications counsel and/or how he desired to proceed.

4. The *OSC* recounts allegations and incidents of apparent wrongdoing and related misrepresentations and failures to respond, which date back to at least 1999. The *OSC* relates that, in seeking to avoid addressing the various claims leveled against him, Zawila sought one extension after another.<sup>5</sup> Likewise, now that the Commission has begun a hearing proceeding, Zawila's first move is to seek a delay. If past is prologue, 30 days hence, Zawila will simply file another motion similar to the instant one.

5. Even if one accepts the accuracy of Zawila's representation that he is only now exploring the possibility of distress sales, the Commission has no assurance whatsoever that, after the 30 day extension that he seeks has come and gone, Zawila will have made sufficient progress toward achieving distress sales to justify the requested continuance. Simply put, the Presiding Administrative Law Judge should view the Motion as merely one more attempt by Zawila to defer the day of reckoning and, thus, without merit.

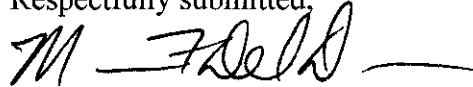
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<sup>4</sup> See *OSC*, ¶¶ 11-13.

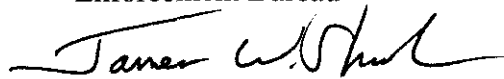
<sup>5</sup> E.g., *OSC*, ¶ 20.

Zawila provides no reason why the proceeding should not go forward. His Motion should be denied.

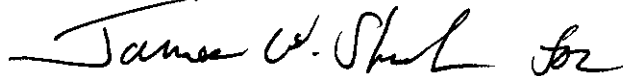
Respectfully submitted,



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August 27, 2003

CERTIFICATE OF SERVICE

Makia Day, a staff assistant in the Enforcement Bureau's Investigations and Hearings Division, certifies that she has, on this 27th of August, 2003, sent by first class United States mail copies of the foregoing "Enforcement Bureau's Opposition to Motion to Continue Prehearing Conference" to:

\* Administrative Law Judge Arthur I. Steinberg  
Federal Communications Commission  
445 12<sup>th</sup> Street, S.W., Room 1-C861  
Washington, D.C. 20054

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Makia Day

\* Hand-delivered